

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 8/10/10 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6330088 has been reviewed and is NOT accepted.

The person who signed the terminal disclaimer is not recognized as an officer of the assignee, and he/she has not been established as being authorized to act on behalf of the assignee. See MPEP § 324.

2. An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c). In particular, it is noted that there does not appear to be any power of attorney present in the instant application.

3. The terminal disclaimer filed on 8/10/10 is additionally deficient due to use of improper statutory language in the terminal disclaimer. In particular, Page 1 of the terminal disclaimer recites ‘expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173’. This language is improper, as it should state ‘expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173’. Please refer to forms PTO/SB/25 or PTO/SB/26 (available at www.uspto.gov) for examples of acceptable language that should be used in the terminal disclaimers.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias
Primary Examiner
Group Art Unit 2872
8/16/10

/Arnel C. Lavarias/
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